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May 15, 2018

**VIA ECF**

Honorable J. Paul Oetken  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 110007

Re: *Rubenstein v. Rodriguez, et al*, 1:17-cv-821-JPO

Dear Judge Oetken:

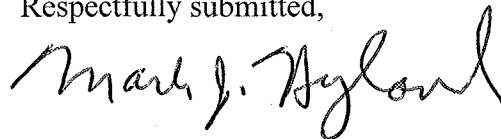
We represent all Defendants in the above-captioned action (except Nominal Defendant Sears Holding Corp.). Plaintiff filed the Second Amended Complaint ("SAC") naming the Defendants for the first time on March 8, 2018. Plaintiff has served some of the Defendants on a rolling basis. But Plaintiff has yet to serve all Defendants, including certain Defendants located abroad. Affidavits of service have been filed for all Defendants based in the United States except the Souzas. Of those Defendants served, the earliest service was effectuated on May 1, 2018, such that, pursuant to Fed. R. Civ. P. 12(a), an answer or response is presently due on May 22, 2018.

Because the pertinent facts, issues, and defenses are common across all Defendants, the parties prefer to proceed with a uniform deadline across all Defendants to answer, move, or otherwise respond to the SAC. This would avoid proceeding on multiple tracks despite common issues, thereby serving the interests of judicial economy.

Accordingly, pursuant to Section 3.C of Your Honor's Individual Practices in Civil Cases and Local Civil Rule 7.1, Defendants respectfully move this court for an extension of the time for all Defendants to answer, move, or otherwise respond to the SAC to and including thirty (30) days from the date upon which all Defendants have been properly served pursuant to the Federal Rules of Civil Procedure.

Plaintiff's counsel has consented to the relief sought herein. Defendants have not previously requested an extension of time to answer or otherwise respond to the SAC.

Respectfully submitted,



cc: Miriam Tauber, Esq., *Counsel for Plaintiff Aaron Rubenstein* (by email)  
David Lopez, Esq., *Counsel for Plaintiff Aaron Rubenstein* (by email)  
Joseph E. Floren, Esq., *Counsel for Nominal Defendant Sears Holding Corp.* (by email)  
Amy J. Greer, Esq., *Counsel for Nominal Defendant Sears Holdings Corp.* (by email)